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# Jose E. Marco's Kalantiaw Code: Implications for Philippine Historiography and Filipinos' Historical Consciousness

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## Introduction

This proposed study started as a simple examination of the infamous antiquarian from the island of Negros in the Visayan region, Jose E. Marco, and his many alleged 'historical works' that influenced the writings of Philippine history. Many Philippine historians considered Marco to have revolutionized the dissemination, and perhaps the manufacturing, of pre-colonial Philippine documents during the early twentieth century. Frankly, the task is daunting because there are many avenues of inquiry that required close examination to even cover the tip of this 'confabulation.'

Therefore, for this research, I have decided to narrow down my focus on the implications of discovering and proving that the Kalantiaw Code of 1433 had no historical basis apart from its only known reference mentioned in the two-volume Pavon manuscript presented in 1914 by Filipino antique collector Jose E. Marco to the Director of Philippine National Library, James A. Robertson.<sup>1</sup> The perceived historical significance and authenticity of this alleged ancient penal code from the Visayan region has persisted despite being proven as a work of historical fiction.

In terms of available literature on the issue of Marco and his 'historical' works, there are several scholars such as William Henry Scott, John N. Schumacher, Augusto de Viana and Michael Salman, who have already examined certain aspects of Marco's historical contributions. However, they all seemed to focus on contesting the authenticity of various historical documents linked to Marco, or looking at the motivation/s behind the creation and publication of these fraudulent documents.<sup>2</sup>

On the other hand, there is not much discourse on the kind of public responses and the possible social impacts of revelation surrounding these fraudulent documents that I believe can provide further understanding of Philippine society as well as the shaping of Philippine historiography. The only comprehensive study on the impacts (or lack thereof) of the exposure of these forgeries is that of independent Philippine scholar Paul Morrow's online article "Kalantiaw: The Hoax." In his article, Morrow examines how Philippine state institutions and Filipino academic scholars continued to propagate the validity of the Code of Kalantiaw even though it had been debunked along with other documents related to Jose Marco.<sup>3</sup>

I would like to expand this inquiry by examining how Filipino scholars, different government institutions, and the Filipino public responded to Scott's potentially-devastating findings, which were associated with these important pre-hispanic source materials. I will do this by addressing why Scott's revelation was largely ignored for several decades since 1968, even though many prominent Filipino historians such as Teodoro A. Agoncillo and Gregorio Zaide did not challenge a foreign scholar's claims against the validity of these documents. Given the various responses and reactions of Filipinos to the Code of Kalantiaw issue, I would like to further examine the reasons behind such responses (or lack thereof). There are two main questions that I will address in this project: (1) why this potentially-charged historical issue did not evoke a much stronger reaction from Filipinos (particularly from Filipino scholars and government institutions such as the Department of Education, Culture and Sports); and (2) what does this tell us about Philippine

society and how it perceives the significance of pre-colonial history in the Filipino national consciousness.

### Jose E. Marco and his pre-colonial 'Code of Kalantiaw'

The antiquarian and stamp collector from the island of Negros in the Visayan region by the name of Jose E. Marco became part of ancient Philippine historiography when he presented several manuscripts containing significant historical information about ancient Filipino society to James A. Robertson, Director of Philippine National Library, in 1914. One of these source materials was the Pavon manuscript, *Las antiguas de leyendas de la isla de Negros* (*Ancient Legends of the Island of Negros*) that was allegedly written by Father Jose Maria Pavon y Araguro, a Spanish secular priest in the Diocese of Cebu, during the mid-nineteenth century. This two-volume manuscript supposedly contained the only reference to one of the oldest penal codes in pre-colonial Philippines, the so-called Code of Kalantiaw promulgated by Datu Kalantiaw from the island of Panay in 1433.<sup>4</sup>

Anyone who has read or who is familiar with the Code of Kalantiaw took notice of Datu Kalantiaw's harsh approach in enforcing social order within his chiefdom. In Philippine schools, Filipino students are taught about Datu Kalantiaw's laws, which clearly emphasized that he ruled with an iron-fist to ensure obedience and order from his people. However, upon close examination of the actual laws listed in the penal code (see Appendix I), there are contradictions and the laws themselves are just plain outrageous.<sup>5</sup> When I first learned about these laws in secondary schools, I began to wonder what kind of society would actually enforce such peculiar and brutal laws because there seemed to be no rationale behind them.

Despite the peculiarity and absurdity of the penal code of Kalantiaw, both Filipino and non-Filipino scholars immediately embraced it as a definitive source of existence of ancient Philippine legal system. Moreover, throughout the early and mid-twentieth century Philippine scholars referred to Marco's documents such as the Pavon manuscript as the key to understanding ancient Philippine civilization and society.

### The Discovery and Debunking of Marco's pre-colonial documents

For most of the twentieth century, Marco's historical documents were rarely scrutinized or questioned until a retired American lay missionary, William Henry Scott, examined the available pre-hispanic source materials, including the Pavon manuscript, which supposedly contained invaluable information on pre-colonial Philippine state and society. Scott challenged the validity of several Philippine ancient documents while pursuing his doctoral degree in Philippine history at the University of Santo Tomas (Manila, Philippines) in 1965. In his doctoral dissertation Scott asserted, and later proved, that many important pre-colonial documents considered as definitive sources of the official version of ancient Philippine history were fraudulent works provided by Jose E. Marco. In his dissertation chapter on Jose Marco's contributions, Scott concludes that Marco's collection of ancient documents, including the Pavon manuscript, "appear to be deliberate fabrications with no historical validity. There is no present evidence that any Filipino ruler by the name of Kalantiaw ever existed or that the Kalantiaw penal code is any older than 1914."<sup>6</sup> Moreover, Scott recalled that during his 1968 doctoral defense==

... before a panel of eminent Filipino historians such as Teodoro Agoncillo, Horacio de la Costa, Marcelino Foronda, Mercedes Grau Santamaria, Nicholas Zafra and Gregorio Zaide. ... not a single question was raised about the chapter which I called 'The Contributions of Jose E. Marco to Philippine historiography' ... For some years after these publications, I have reason to hope that the ghost of Kalantiaw had finally been laid. ... Yet, at the time I retired from teaching Philippine history in 1982, freshmen were still entering the State University persuaded that Kalantiaw was an actual historic figure and that he promulgated a genuine Philippine penal code in 1433. I wonder if my successors are still sharing their classrooms with this Filipino phantom and the law code that never was.<sup>7</sup>

However, it should be noted that Scott was not the first scholar to question the validity of these source materials. Mauro Garcia, a prominent Filipino scholar on ancient Philippine history and a bibliographer, raised questions about the documents obtained from Marco as early as 1950s in his public lectures. In January 1968 Garcia also participated in (and perhaps, organized) a symposium dealing with the *Maragtas* leg-

end that originated from one of Marco's source materials, which narrates the arrival of ten datu/chiefs from Borneo who settled in the Visayan region and established flourishing settlements. According to the *Maragtas* Symposium proceedings:

[a] panel of Filipino historians and folklorists met in Manila a few weeks ago to explore the many subsidiary factors involved in the *Maragtas* account. Several of them denounced it as a palpable fake. . . . Dissatisfaction with history and historiography has been diffuse and largely inarticulate in Manila, but nevertheless there. A new understanding is apparent that historians after all are not technicians piling up cold hard facts into a brick wall. They must move in a complex web of circumstantial evidence, full of loose ends and maddening strings and probably silly old men making up pretty tales in their dotage. The feeling is that perhaps Filipino historians have gone too fast or too far afield without the worthwhile antidotes to the passionate search for identity.<sup>8</sup>

Even though the panels focused on the *Maragtas* narrative, several papers, including the one presented by Mauro Garcia, addressed the issue of provenance and the fact that the leading source materials on ancient Philippine history came "from a dealer or collector of questionable reputation."<sup>9</sup> Even though Jose E. Marco's name was not mentioned in any of these papers, it was still implied because references were made to the dubious Paxon manuscript where the Code of Kalantiaw was cited.

During the symposium, Garcia raised the point that many Filipino historians placed great importance on the pre-hispanic source materials acquired from Marco because "[they] constitute a real foundation for history of the Visayan people," without being critical of their origins.<sup>10</sup> Garcia then added, "a local scholar [Scott] who has devoted considerable research on the Paxon [manuscript] is coming out soon with his findings that this is one document that is definitely fake or spurious. Should he prove himself correct, then the code of Kalantiao [sic] loses its props as a genuine material and should be expunged from the books."<sup>11</sup>

Mauro Garcia was actually the one who first suggested to W. H. Scott in 1965 to focus his doctoral research on examining the pre-hispanic source materials available for the study of Philippine history.<sup>12</sup> Garcia chose not to disclose his own suspicions to Scott concerning Marco's source materials so Scott could "ex-

amine the earlier Marco contributions without prejudice."<sup>13</sup> Scott added that "a review of the notebooks which record our [with Garcia] collaboration reveals that the more blatant forgeries were not presented to me until after I had already drawn my conclusions about the so-called Povedano and Paxon manuscripts."<sup>14</sup> In 1969 Scott published his dissertation entitled "A Critical Study of the Pre-hispanic Source Materials for the Study of Philippine History," which included a separate section on Marco's contributions to Philippine historiography.

Despite his published findings on Marco's fraudulent source materials that proved that the Code of Kalantiaw had no historical basis, the necessary changes in textbooks and in academic curriculum were not forthcoming until almost thirty years following the release of Scott's publication in 1969. In the interim, Filipino students have continued to internalize the Code of Kalantiaw as an integral part of ancient Philippine history.<sup>15</sup> Although Scott has proven that the Kalantiaw Code was clearly a hoax, why did many Filipinos continue to believe in the existence of Datu Kalantiaw and his brutal code of laws?

To better understand why this still persisted even after Scott's findings, it is important to examine how Filipinos reacted and responded to the debunking of the Kalantiaw Code. For the purpose of this research, I have narrowed down my analysis on the responses of three groups: Filipino scholars, government institutions dealing with historical education of Filipinos such as the National Historical Institute (currently the National Historical Commission) and the Department of Education, Culture and Sports (DECS), and the Filipino public.

## Filipino Scholars' Responses to Scott's Findings

It is interesting to know why many Filipino scholars chose not to directly address such findings - whether to publicly acknowledge Scott's claims or even to merely review Scott's published dissertation *A Critical Study of the Pre-hispanic Source Materials for the Study of Philippine History* (1969). It seems that many Filipino scholars would rather not deal with, or even acknowledge, Scott's assessment of the validity of some Philippine source materials that shaped the study of ancient Philippine history. Perhaps, they did not want to be

confronted with their own inadequacy in conducting analytical research, so they have decided to just ignore the significance of Scott's critical examination of the available source materials that were accepted at face value, regardless of the fact that their provenance was questionable or even unascertainable. On the other hand, there might be other explanations as to why many Filipino scholars have remained complacent to the public dissemination of false historical facts such as the existence of Kalantiaw Code after 1969.

Since the publication of Scott's book in 1969, no major academic journal in the Philippines, including *Philippine Studies*, *Philippine Historical Bulletin* and the *Historical Review*, reviewed the book. Thus far there have been only two reviews available on W. H. Scott's book – the 1970 book review by Donn Hart in the *Journal of Asian Studies* and the 1971 book review by Fr. Juan Mario Francisco, S. J. in the *Journal of Southeast Asian Studies*. In his book review, Hart writes, "If future authors of Filipino college history textbooks consult Scott's book there will be more fact and less fancy in their books. Scott's scholarly alchemy is devastating when he transmutes popular fact into actual myth or legend."<sup>16</sup> On the contrary, Fr. Francisco's review of Scott's book only briefly comments on Scott's conclusion of Marco's contribution as 'deliberate fabrications with no historic validity' (p. 134) to be "a significant point" without elaborating on why Scott's assessment of Marco's source materials was important to the study of ancient Philippine history.<sup>17</sup>

Even though all the eminent Filipino scholars in Scott's doctoral defense did not question his conclusion regarding the validity of source materials obtained from Marco, most of their scholarly works did not reflect such significant findings. In fact, one of the leading Philippine historians in Scott's panel, Gregorio F. Zaide, continued to include the Code of Kalantiaw in all of his history textbooks for all academic levels (primary, secondary and post-secondary education) until his death in 1986.<sup>18</sup> However, upon his death, his daughter and co-author Sonia M. Zaide immediately released a corrected edition of his textbook, *Philippine History* (1987) in which she included among her list of updates the "(3) Correction of the historical interpretation of the role of Panay (a legend, the Confederation of Madya-as (fiction), the legal codes of *Datu Kalantiao* and *Sumakwel* (fakes)). This is due to recent historical findings which cast doubt on the authenticity of the

historical documents upon which these 'events' are based [emphasis mine]."<sup>19</sup> Another major Philippine historian, Teodoro A. Agoncillo, also kept the section on the Kalantiaw Code in his college textbooks; however, at least Agoncillo changed the section's title as 'The Alleged Code of Kalantiyaw' even though he still listed all the laws for students' reference.<sup>20</sup> In his work, Agoncillo wrote "[t]his so-called Code of Kalantiyaw is a disputed document" and cited Scott's work that questioned "the authenticity of the Kalantiyaw Code."<sup>21</sup> As for the other scholars who were part of Scott's defense committee, they either did not acknowledge Scott's findings in their own work or just mentioned it in passing because they did not agree with Scott's conclusion even though they found his arguments sound.

Another possible reason for many Filipino scholars' reluctance to acknowledge Scott's assessment of the Code of Kalantiaw is attributed to how former Philippine President Ferdinand Marcos embraced the master narrative on the decline of glorious Philippine past after the Spanish conquest by promoting the Code of Kalantiaw and the need for a strong ruler, similar to the socio-political conditions of pre-colonial period to legitimize his dictatorial regime. By the early 1970s, President Marcos issued several presidential decrees that promoted and highlighted the historical significance of Datu Kalantiaw and his penal code –

[In March 1971] Marcos instituted the 'Order of Kalantiaw,' an award 'for services to the country in the areas of law and justice' (Executive Order No. 294). . . . [and] on January 24, 1973, Marcos also issued Presidential Decree No. 105, which declared that the Kalantiaw Shrine, and all national shrines, sacred. The decree prohibited all forms of desecration including 'unnecessary noise and committing unbecoming acts' . . . [that were punishable by law] 'imprisonment for not less than ten (10) years or a fine not less than ten thousand pesos (P10,000) or both.'<sup>22</sup>

Moreover, Marcos ensured the promotion of Datu Kalantiaw and his code of laws by literally rewriting the history book of the Philippines to represent the '*Bagong Lipunan*' (New Society) of the Filipinos, who finally broke free from colonial bondage to live in prosperity, peace and order under his iron-fisted leadership. In other words, Marcos needed a new version of Philippine history that could justify and legitimize his 1972 declaration of Martial Law, so he commissioned leading Philippine historians, under the supervision of

Serafin D. Quiason, to ‘ghostwrite’ for him a multi-volume Philippine history book entitled *Tadhana* (*Destiny*).<sup>23</sup> The original 19-volume *Tadhana* (only three volumes were completed) that attributed Marcos as the sole author tried to promote the need to have a strong leader enforcing harsh laws to maintain social order, like the ‘famous Datu Kalantiaw’ who supposedly governed with an iron-fist.

During the period following the 1969 release of Scott’s book, the public acknowledgment of Scott’s findings would be deemed as challenging Marcos’ accepted version of history. Thus, it was simply dangerous for Filipino scholars to openly oppose Marcos during the Martial law period, so they either remained silent about the issue surrounding the authenticity of Kalantiaw Code, or just removed any reference to Kalantiaw from their book without fanfare to divert any attention from them. The failure of many Filipino scholars to address the issue of Kalantiaw Code in their published works, or within the classroom during the Marcos dictatorial regime (1972-1986), can be attributed to fear for one’s safety and fear of losing one’s academic position (especially if one were employed at the state-controlled University of the Philippines).

However, once the Marcos regime was replaced by the Aquino administration in 1986, it seemed difficult to use the same rationale in explaining why some Filipino scholars still neglected to make the necessary changes in their works, or refer to other source materials to conduct their study of ancient Philippine history. While there were Filipino scholars, such as Sonia M. Zaide, who made an effort to update their textbooks to reflect Scott’s findings about the Code of Kalantiaw, there were still others who continued to embrace the authenticity of the Pavon manuscript and other source materials from Jose Marco, even after the end of Marcos regime.<sup>24</sup> As such, it would have been difficult to justify “fear for one’s safety” or “fear of losing one’s position” as motivations for not making the appropriate changes in the writing and teaching of ancient Philippine history.

However, another possible reason for the apathetic response of other Filipino scholars to Scott’s discovery could have been attributed to passive resistance against a perceived foreign scholar’s attempt to control historical discourse in the Philippines. Although Scott’s arguments were supported by solid evidence, the fact that he was an American scholar debunking native his-

torical beliefs where ‘facts’ might have worked against him led to Filipino scholars ignoring his findings rather than considering them based on their merits. At this point, logic and rational thinking no longer persisted. Instead, it was replaced by strong nationalistic fervor geared towards ignoring, attacking or discrediting scholars (especially directed towards non-Filipinos) who dared to challenge the prevalent historical narratives and interpretations concerning ancient Philippine society, and imposed their own ‘correct’ versions of Philippine history.

The period between 1970s and 1980s saw the resurgence of strong nationalist sentiments within the academe, especially within the field of History. Many leading Philippine historians such as Teodoro A. Agoncillo, Renato Constantino and Reynaldo Ileto published their works on aspects of Philippine history that have been neglected because the focus has always been ‘from without’ (ie. colonial power, metropole, etc.) and the ‘above’ (educated elites, urban-based middle class, etc.), rather than ‘from within’ (ie. colonies, periphery) and the ‘below’ (Filipino masses, rural-based peasants, etc.). These historians were very weary of encroachment of foreign scholars who were perceived to impose on their imperialistic and condescending versions of Philippine history on Filipinos. Perhaps, many Filipino scholars considered Scott’s findings to be an effort to undermine the existence of flourishing and civilized ancient Philippine past by asserting American superiority and benevolence over uncivilized Filipinos.

To some extent, this reasoning might have some merit as a recent essay on Jose E. Marco’s contribution by Michael Salman argues that Marco was not the only one serving his own interests by providing these questionable documents to the Americans.<sup>25</sup> The American scholars and administrators such as Philippine National Library Director, James A. Robertson, and scholars from the University of Chicago validated Marco’s documents and ensured these documents would be disseminated throughout academia as legitimate source materials for the study of ancient Philippines, even though some scholars from University of Chicago had some initial reservations. Salman stresses that these Americans also used these documents to serve their own imperialist interests by ensuring that “the colonial state based in Manila. . . played a central role in the formulation of American imperial knowledge about the Philippines.”<sup>26</sup>

Nonetheless, Salman does not suggest that Scott was motivated by similar interests when he conducted his research, but rather points out that Scott had made a mistake in his assessment of the extent of Marco's contribution. According to Salman, "it is more proper to speak of Robertson's contributions to Philippine historiography than Marco's. . . . [Even though] Marco was an agent in his own history and that of the Filipino nation, but it was Robertson who was at the center of authority, able to authorize Marco's texts as authentic and put them into circulation."<sup>27</sup> Perhaps, some Filipino scholars assumed that Scott was trying to undermine Filipinos understanding and interpretation of their own history that these scholars would not even bother to take into consideration Scott's analysis of Marco's fraudulent source materials.

Of course, this was not the only case in which such ambivalence to hostile reception towards foreign scholars' examinations of well-known historical documents in the Philippines has occurred. One example was Filipino scholars' strong reactions against American historian Glenn A. May's *Inventing a Hero: The Posthumous Re-creation of Andres Bonifacio* (1996). Compared to the Filipino responses to Scott's debunking of the Kalantiaw Code, the majority of Filipino reactions to May's book ranged from negative to outright hostile toward the author himself.

I can only attribute this to the fact that May's book basically questioned Filipinos' admiration and veneration of one of the leading Tagalog figures of Philippine nationalism as opposed to dealing with an alleged fifteenth-century penal code promulgated by a certain Datu Kalantiaw that ruled in the Visayan region. This only proves that there is a clear distinction in terms of historical importance that many Filipino historians and the general public placed upon events happening within the capital of Manila or the Tagalog region, as opposed to the rest of the Philippine archipelago. Unfortunately, the periphery and its history only become important when they serve a purpose to augment the national narrative dominated by historical events and figures from the Tagalog region.

As mentioned earlier, the end of the Marcos regime did not ensure that Filipino scholars would purge their writings and their lectures of references to the Code of Kalantiaw. In fact, since 1986 (with the change in political regime in the Philippines) many different history textbooks from all academic levels as well as other

scholarly works still referred to the Code of Kalantiaw as evidence of flourishing ancient past before the Spanish conquest.<sup>28</sup> Other Filipino scholars such as Sonia Zaide and Teodoro Agoncillo already incorporated some changes in their textbooks. However, many Filipino authors of history textbooks commissioned by the Department of Education, Culture and Sports (DECS) for school curriculum took some time to make their necessary changes. Therefore, students still encounter the Code of Kalantiaw in their history lessons as late as the beginning of the twenty-first century. From the proliferation of the Code of Kalantiaw in textbooks as well as the cementing of this code into public historical memory even after the release of Scott's book in 1969, it seems that no one actually took heed of Hart's advice.

### Responses from Government Institutions Dealing with Public Education and Historical Memory

While the initiatives must come from the Filipino scholars themselves to ensure that the historical information that they included in their textbooks and other publications are based on reputable and authentic source materials, government institutions dealing with public education and public historical memory must also undergo changes and careful deliberation to properly regulate the version of history being taught to Filipino students. By the 1990s extensive campaigns already existed to correct historical errors that persisted in Philippine historiography as well as to standardize history textbooks in all academic levels. In fact, both the Philippine Senate and the House of Representatives proposed resolutions to address the issue of teaching history in schools such as the Senate Resolution No. 116 "[c]alling for the Nationalization in the Prescription of Textbooks in all Schools. . ."; the First Session House Resolution No. 691 "[d]irecting the proper agencies of the government to review and revise the Philippine History books to reflect a nationalist perspective of Philippine history of the pre-colonial period, the colonial period and the post-world war II period, in the aid of the teaching of nationalism pursuant to the provisions of the constitution"; and the Second Regular Session, House Bill No. 15404 which "seeks to amend the Act establishing the National Historical Commission with the main purpose of rewriting

Philippine history to emphasize nationalism and adherence to democratic principles and practices”.<sup>29</sup>

It is important to point out that the House Resolution No. 691 sought to rewrite Philippine history books due to the fact that “there is a wide difference between historical facts and what are taught in Filipino textbooks. . . [and that] the difference is not only in substance but also in point of view which results in a distortion of our history that is inimical to the attainment by Filipinos of nationalism.”<sup>30</sup> However, the resolutions proposing for a ‘one-textbook policy’ were not passed due to opposition from various government sectors and publishing industry. Nonetheless, the Department of Education, Culture and Sports (DECS) has the authority to award contracts to publishing companies and authors to produce textbooks for specific levels and subjects; it is widely believed, DECS has been involved in textbook scams and inclusion of glaring errors appearing in history textbooks because the system lacks serious regulation. This can also be considered as one of the reasons why erroneous historical information continues to be included in school textbooks. In addition, DECS heavily relies on the expertise of their contracted authors from leading universities in the Philippines that it does not spend considerable effort in editing and checking the contents of the textbooks.

While DECS handles the concerns of public education, the National Historical Institute (NHI recently changed its name to National Historical Commission of the Philippines) established in 1972 is mandated to undertake historical research, publication of historical works and promotion of cultural heritage through preservation and restoration of artifacts and sites.<sup>31</sup> During the Marcos regime, the NHI served as an important government institution under the Office of the President that oversaw the historical research, preservation and reconstruction of the past to forge national identity and unity. Since 1972, under various chairmanships, including Serafin Quiason, who served both the Marcos regime as the Director of the National Library in 1981 and the Aquino administration as the NHI Chairman in 1986, the NHI widely promoted the narrative of Datu Kalantiaw and his code of laws.

The NHI is also mandated to endorse history textbooks that are used at all school levels. One example is the 1989 secondary history textbook by Filipino journalist Isidro Escare Abeto, which included a formal

letter of appraisal from the Acting NHI Chairman Quiason in May 1986. Abeto’s textbook was recommended by the NHI despite the fact that there were two separate chapters on Datu Kalantiaw as the first law-giver, and on the Kalantiaw Code.<sup>32</sup> It is also interesting to note that most information and narratives in Abeto’s textbook were obtained from Jose Marco’s source materials. Given the fact that Abeto was a journalist and not a professionally-trained historian, he might not have been familiar with W. H. Scott’s findings on the fraudulent works attributed to Jose Marco. However, as the Acting Chairman of NHI publicly endorsing this textbook, Quiason should have at least alerted Abeto to the issue concerning Kalantiaw and the controversy surrounding it.

Since 1972, the NHI did not do much to correct the erroneous historical information of Datu Kalantiaw. In fact, it successfully promoted and disseminated the historical significance of the Kalantiaw Code not only in the Aklan province (where it supposedly originated), but the rest of the Philippines. However, as a number of Filipino scholars began to remove the discussion of Kalantiaw from their teachings, many students began to associate Kalantiaw as an elaborate hoax by Jose Marco.

There has been a slow move towards purging Kalantiaw reference from textbooks until 2002, when Filipino historian Ambeth R. Ocampo was appointed the new NHI Chairman. One of the first things on his agenda was to conduct a thorough research on the validity of the Kalantiaw Code to finally finish what Mauro Garcia and William H. Scott had started. The deliberation took almost two years until Ocampo and the NHI were able to pass NHI Resolution No. 12 in 2004 “[d]eclaring that Code of Kalantiao/Kalantiaw has no Valid Historical Basis”. This resolution called for: (1) the official affirmation that the Kalantiaw Code is a twentieth-century fraudulent work by Jose Marco, (2) the President of the Philippines cease to honor retiring Supreme justices and other international dignitaries with the ‘Order of Kalantiaw’, and (3) the revoking of Executive Order 234, which declared the municipality of Batan, Province of Aklan as a national shrine.<sup>33</sup> This NHI resolution was finally approved by the Office of the President in 2005 and taken into effect immediately, despite strong protests from the people of the province of Aklan.

However, the issue of the Code of Kalantiaw is far from over. Regardless of the government's official statement concerning its authenticity, reference to the Code of Kalantiaw continues to appear in unlikely places such as the 2001 International conference presentation on 'The Philippine Judicial System' by Dr. Raul Pangalangan, Dean, College of Law from the University of the Philippines in which he talked about "all ancient written laws of the Filipinos were lost with the exception of the Code of Maragtas and the Code of Kalantiaw, both from Panay Island."<sup>34</sup> Another mention of the Code of Kalantiaw occurred during the House of Representative 2<sup>nd</sup> Regular Session in August 2008 when Congress was deliberating over the issue of the Autonomous Region of Muslim Mindanao. While Congressman Cerilles was discussing the tribal /aboriginal rights extended to Native Americans and aborigines in Australia, he then referred—

...to the signing of the *Code of Kalantiaw in Panay*, then the Gentleman will see that the native inhabitants of this Philippine Archipelago. . . was the Aetas. . . . all other tribes – including my tribe. . . are supposed to have come from Indonesia and Malaysia. We can understand each other – the North and the South – because we come from one commonality. That is why there is the so-called '*The Code of Kalantiaw*,' where a person called Marikudo signed a treaty with Sumakwel, Mr. Speaker. [emphasis added]<sup>35</sup>

### Filipino Public's Ambivalence or Apathy towards Discourses on Philippine History

It is interesting that some Filipinos (both scholars and non-scholars) continue to believe that the Code of Kalantiaw and the *datu*/chieftain who supposedly promulgated these laws actually existed; and therefore, there is no need to pursue the issue any further. On the other hand, it is also surprising that some Filipino scholars, who were aware of the Kalantiaw Code's questionable provenance, chose not to acknowledge it and just continued to treat the existence of the Kalantiaw Code as historical fact.

As for the rest of the Filipino population, they have seemed to remain ambivalent or even downright apathetic towards Philippine history because of the way history courses have been taught to Filipino students. Students are not expected to engage in historical dis-

course but rather memorize 'historical facts,' only to be regurgitated during quizzes and exams. The fact is many Filipinos could care less about the discussions of Philippine history unless the issues directly affect them. The only Filipinos who continue to engage in historical discourse are the ones who are really interested in history, or the ones who have vested interests on the historical information mined from the past.

My personal communication with my Ateneo University history professor and former NHI Chairman, Ambeth R. Ocampo, concerning the infamous Code of Kalantiaw led him to write an article in his weekly column, 'Looking Back' in the *Philippine Daily Inquirer* addressing my research questions about Filipino responses to Scott's revelations.<sup>36</sup> Since I already knew the information that Prof. Ocampo had included in his article, I was far more interested in the comments that were received in response to his article which Ocampo himself also posted on his fanpage on the social network, Facebook, to initiate discussion.<sup>37</sup> The kinds of interaction and responses that Ocampo's article on Kalantiaw received made me rethink my own assessment of Filipinos' general apathy towards discussions about history. The age range of the respondents was not limited to young adults or university students but also included middle-aged individuals who were interested in Philippine history. From their comments (both in English and Filipino), these individuals were neither apathetic nor indifferent toward the Code of Kalantiaw or other aspects of Philippine history. Granted this is only a small portion of the Filipino public, I cannot ascertain precisely what most Filipinos' reactions would be to the debunking of the Kalantiaw Code. However, based on just the comments of the people who read Ocampo's article, I can see that they are more or less familiar with the Code of Kalantiaw because it was taught in school, and most of them acknowledged the fact that it has no historical basis. At the same time, few individuals also mentioned that they have friends who still refused to question the authenticity of the Kalantiaw Code.<sup>38</sup>

While it is convenient to conclude that most Filipinos could care less about the Kalantiaw Code which is why it did not elicit strong reactions from Filipino scholars and non-scholars, I would argue that there are many factors that affected how different Filipinos reacted or responded. The Filipinos reactions are not just simply based on one's interest or disinterest in



history, but they also depend on the kinds of opportunity individuals are given to engage in the past. I think the way history is taught in the Philippines does not allow students to actively participate in their learning because instruction was primarily based on memorizing tons of information without engaging in critical thinking. I believe that the danger inherent in such passive learning and understanding of the past becomes more pronounced when vested interests (whether personal or national) supersede the quest for historical truth.

## Appendix I: Laws of the Code of Kalantiaw (English Translation)

### Article I

You shall not kill, neither shall you steal, neither shall you do harm to the aged, lest you incur the danger of death. All those who infringe this order shall be condemned to death by being drowned in the river, or in boiling water.

### Article II

You shall obey. Let all your debts with the headman be met punctually. He who does not obey shall receive for the first time one hundred lashes. If the debt is large, he shall be condemned to thrust his hand in boiling water thrice. For the second time, he shall be beaten to death.

### Article III

Obey you: let no one have women that are very young nor more than he can support; nor be given to excessive lust. He who does not comply with, obey, and observe this order shall be condemned to swim for three hours for the first time and for the second time, to be beaten to death with sharp thorns.

### Article IV

Observe and obey; let no one disturb the quiet of the graves. When passing by the caves and trees where they are, give respect to them. He who does not observe this shall be killed by ants, or beaten to death with thorns.

### Article V

You shall obey; he who exchanges for food, let it be always done in accordance with his word. He who does not comply, shall be beaten for one hour, he who repeats the offense shall be exposed for one day among ants.

### Article VI

You shall be obliged to revere sights that are held in respect, such as those of trees of recognized worth and other sights. He who fails to comply shall pay with one month's work in gold or in honey.

### Article VII

These shall be put to death; he who kills trees of venerable appearance; who shoot arrows at night at old men and women; he who enters the houses of the headmen without permission; he who kills a shark or a streaked cayman.

### Article VIII

Slavery for a *doam* (a certain period of time) shall be suffered by those who steal away the women of the headmen; by him who keep ill-tempered dogs that bite the headmen; by him who burns the fields of another.

### Article IX

All these shall be beaten for two days: who sing while traveling by night; kill the Manual; tear the documents belonging to the headmen; are malicious liars; or who mock the dead.

### Article X

It is decreed an obligation; that every mother teach secretly to her daughters matters pertaining to lust and prepare them for womanhood; let not men be cruel nor punish their women when they catch them in the act of adultery. Whoever shall disobey shall be killed by being cut to pieces and thrown to the caymans.

### Article XI

These shall be burned: who by their strength or cunning have mocked at and escaped punishment or who have killed young boys; or try to steal away the women of the elders.

### Article XII

These shall be drowned: all who interfere with their superiors, or their owners or masters; all those who abuse themselves through their lust; those who destroy their *anitos* (religious icons) by breaking them or throwing them down.

### Article XIII

All these shall be exposed to ants for half a day: who kill black cats during a new moon; or steal anything from the chiefs or *agorangs*, however small the object may be.

### Article XIV

These shall be made slave for life: who have beautiful daughters and deny them to the sons of chiefs, and with bad faith hide them away.

### Article XV

Concerning beliefs and traditions; these shall be beaten: who eat the diseased flesh of beasts which they hold in respect, or the herb which they consider good, who wound or kill the young of the Manual, or the white monkey.

### Article XVI

The fingers shall be cut-off: of all those who break *anitos* of wood and clay in their *alangans* and temples; of those who destroy the daggers of the *catalonans* (priest/priestess), or break the drinking jars of the latter.

### Article XVII

These shall be killed: who profane sites where *anitos* are kept, and sites where are buried the sacred things of their *divaans* and headmen. He who performs his necessities in those places shall be burned.

### Article XVIII

Those who do not cause these rules to be obeyed: if they are headmen, they shall be put to death by being stoned and crushed; and if they are *agorangs* they shall be placed in rivers to be eaten by sharks and caymans.

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## End Notes

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<sup>3</sup> Paul Morrow, "Kalantiaw: The Hoax," [http://www.mts.net/~pmorrow/kalant\\_e.htm](http://www.mts.net/~pmorrow/kalant_e.htm) (Accessed 21 February 2010).

<sup>4</sup> Jose Maria Pavon, "The Ancient Legends of the Islands of Negros: Book First, Part 1-2, Transcript No. 5B", in *The Robertson translations of the Pavon manuscripts of 1838-1839* (Chicago: Philippine Studies Program, Dept. of Anthropology, University of Chicago, 1957), 21-25.

<sup>5</sup> See Appendix I for the translated copy of the Code of Kalantiaw taken from the Robertson translation of the two-volume Pavon manuscript. The original copy of the Pavon manuscript along with other alleged ancient manuscript presented by Marco to Robertson were kept at the National Library during the early twentieth century, and were destroyed during World War II. The only available copy of the manuscript is the Robertson translation and photographs of the original title cover and the first 3 pages of the manuscript. Cited from Jose Maria Pavon, "The Ancient Legends of the Islands of Negros: Book First, Part 1-2, Transcript No. 5B", in *The Robertson translations of the Pavon manuscripts of 1838-1839*, 21-25.

<sup>6</sup> W. H. Scott, "The Contributions of Jose E. Marco," in *Prehispanic Source Materials*, 134.

<sup>7</sup> W. H. Scott, "Kalantiaw Code that Never Was," in *Looking for the Prehispanic Filipino*, 167-168.

<sup>8</sup> Carmen Guerrero Nakpil, "Introduction," in *Maragtas Symposium: A Symposium on The Maragtas Held on the 27<sup>th</sup> of January 1968 at the Epifanio de los Santos Auditorium* (National Library Building) (Manila: National Historical Commission, 1970), 2.

<sup>9</sup> Mauro Garcia, "The Sources and Provenience of the Maragtas," in *Maragtas Symposium*, 3.

<sup>10</sup> Garcia, "The Sources and Provenience of the Maragtas," 3-6.

<sup>11</sup> *Ibid.*, 6.

<sup>12</sup> William Henry Scott, "Preface to the 1984 Edition" and "Chap. 5: The Contributions of Jose E. Marco to Philippine Historiography," in *Prehispanic Source Materials: For the Study of Philippine History* (Quezon City: New Day Publishers, 1984), ix, 134; Michael Salman, "Confabulating American Colonial Knowledge of the Philippines," in *Colonial Crucible*, 268.

<sup>13</sup> W. H. Scott, "The Contributions of Jose E. Marco to Philippine Historiography," in *Prehispanic Source Materials*, 134-135.

<sup>14</sup> *Ibid.*, 135.

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- <sup>26</sup> Salman, "Confabulating American Colonial Knowledge of the Philippines," 260.
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